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10/28/03

DOCKET NO: 244025US8

IN THE UNITED STATES PATENT & TRADEMARK OFFICE



RE APPLICATION OF :

YOSHITOSHI SHIMIZU, ET AL. : EXAMINER: RODRIGUEZ, A.

SERIAL NO: 09/918,018 :

FILED: JULY 30, 2001 : GROUP ART UNIT: 2828

FOR: SEMICONDUCTOR LASER :
DEVICE HAVING THRESHOLD
CURRENT

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RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated September 24, 2003, Applicants in the above-identified patent application provisionally elect Group I, Claims 1-6 and 11-23, drawn to a semiconductor laser device.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

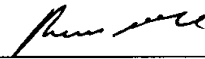
The claims of the present invention would appear to be of an overlapping search area.

Accordingly, Applicants respectfully **traverse** the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

However, if the present Restriction Requirement is not withdrawn, examination on the merits of the Claims of Group I is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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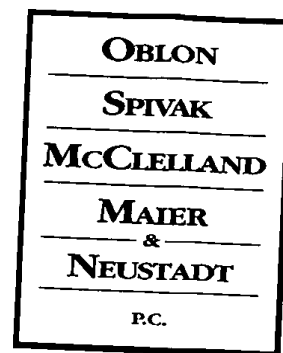
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DOCUMENT3



Docket No.: 244025US8

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 09/918,018
Applicants: Hitoshi SHIMIZU, et al.
Filing Date: July 30, 2001
For: SEMICONDUCTOR LASER DEVICE HAVING
THRESHOLD CURRENT
Group Art Unit: 2828
Examiner: RODRIGUEZ, A.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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